

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: '318 PATENT INFRINGEMENT
LITIGATION

)
) Civil Action No. 05-356-KAJ
) (consolidated)
)

**PLAINTIFFS' MOTION SEEKING RETURN
OR DESTRUCTION OF PRIVILEGED DOCUMENTS**

Pursuant to paragraph 4(f) of the Court's Scheduling Order, paragraph 29 of the Stipulated Protective Order, and Rule 37 of the Federal Rules of Civil Procedure, Plaintiffs, Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc. (collectively, "Plaintiffs") submit this motion asking the Court to compel the return or destruction of unredacted versions of certain inadvertently produced privileged documents, JAN RAZ 0192627 - JAN RAZ 0192641 and JAN RAZ 0177809 - JAN RAZ 0177812. The Court should order the return or destruction of these documents for the reasons stated in the memorandum accompanying this motion.

Of Counsel:

ASHBY & GEDDES

George F. Pappas
Christopher N. Sipes
Kurt G. Calia
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
202-662-6000

/s/ Tiffany Geyer Lydon

Steven J. Balick (I.D. # 2114)
John G. Day (I.D. # 2403)
Tiffany Geyer Lydon (I.D. #3950)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899
302-654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
tlydon@ashby-geddes.com

Steven P. Berman
Office of General Counsel
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel: 732-524-2805
Fax: 732-524-5866

Attorneys for Plaintiffs

Dated: October 6, 2006
173957.1

CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1

I hereby certify that counsel for plaintiffs has discussed the subject of the attached motion with counsel for defendants, but that no agreement could be reached.

/s/ Tiffany Geyer Lydon

Tiffany Geyer Lydon

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ORDER

The Court having considered Plaintiffs' Motion Seeking the Return or Destruction of Certain Privileged Documents, and the parties' arguments in support and opposition thereof,

IT IS HEREBY ORDERED this ____ day of _____, 2006 that Plaintiffs' motion is GRANTED. Within three business days of the date of this order, defendants shall return to Plaintiffs or certify the destruction of the unredacted versions of the following documents: (1) JAN RAZ 0192627 - JAN RAZ 0192641; (2) JAN RAZ 0177809 - JAN RAZ 0177812. Defendants shall also destroy any summaries or notes concerning the information contained in the redacted portions of these documents.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2006, the attached **PLAINTIFFS'**

MOTION SEEKING RETURN OR DESTRUCTION OF PRIVILEGED DOCUMENTS

was served upon the below-named counsel of record at the address and in the manner indicated:

John C. Phillips, Jr., Esquire
Phillips, Goldman & Spence, P.A.
1200 North Broom Street
Wilmington, DE 19806

HAND DELIVERY

Lynn M. Ulrich, Esquire
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601

VIA ELECTRONIC MAIL

Frederick L. Cottrell, III, Esquire
Richards, Layton & Finger
One Rodney Square
Wilmington, DE 19801

HAND DELIVERY

Alan H. Bernstein, Esquire
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.
1635 Market Street, 12th Floor
Philadelphia, PA 19103

VIA ELECTRONIC MAIL

/s/ Tiffany Geyer Lydon

Tiffany Geyer Lydon